



California's Blanket Primary

The Blanket Primary was adopted in Washington in 1935. For many years it was the only state with this unique nominating system for partisan offices. More recently, the blanket primary has been used in Alaska and, in a modified form, in Louisiana. In March 1996, the voters in California adopted an initiative – Proposition 198 – that replaced the closed primary nominating system in that state with a blanket primary.

Conflict with Political Party Rules: In California, voters register by political party and each party has adopted rules that provide that ONLY the voters registered in that party may participate in the selection of the nominees of the party at the state primary. Clearly, the new law and the political party rules were in direct conflict since, under the California blanket primary initiative, a voter of one political party would be allowed to vote for candidates of another party in the primary.

Legal Challenge in California: The California Republican and Democratic parties, together with two minor political parties, challenged the new blanket primary law in Federal District Court (California Democratic Party et al. V. Jones, et al.). The plaintiffs alleged that the blanket primary interfered with and injured the political parties' rights of association, which are protected under the First Amendment of the U. S. Constitution. A trial was conducted by the District Court to determine whether the parties were actually injured by the blanket primary and whether or not this nominating system burdened the interests of the parties to an extent that affected their constitutional rights.

The District Court found that the impact of the blanket primary on the political parties was incidental and that, accordingly, the statute was not in conflict with the political parties' constitutional right of association. The Ninth Circuit Court of Appeals affirmed the District Court decision. The political parties appealed this ruling to the U. S. Supreme Court.

Ruling by the U. S. Supreme Court: The case was argued before the Supreme Court in early May. On June 26, 2000, The Supreme Court overturned the lower court decision and ruled that the blanket primary law in California violates a political party's First Amendment right of Association.

<p>(6) Modified Blanket Primary- Top Two candidates for each party</p>	<p>Voters are not required to declare their political party affiliation, if any, at the time they register to vote. Major political parties nominate one or more candidates for each partisan office according to rules provided by the political party. At the primary for partisan offices, voters are permitted to vote for only one candidate for each partisan office. For each partisan office, the candidate who receives the most votes among candidates of a major political party at the primary appears on the general election ballot.</p>	<p>Candidates for partisan offices would have to be nominated by a major political party in order to file for that office. Political parties could nominate more than one candidate for an office. (Each major political party would specify in its rules the procedures to be used by that party. These could include nominating certificates, caucuses and conventions, central committee endorsements, or some combination or variation of these methods.)</p>	<p>None. (This method is similar to states that use "challenge primaries" in conjunction with nominations by convention. It is also similar to the existing blanket primary in Washington, with the addition of the requirement that candidates must be nominated by major political parties in order to file and run for partisan offices.)</p>
<p>(7) Modified Blanket Primary- Top Two Candidates</p>	<p>Voters are not required to declare their political party affiliation, if any, at the time they register to vote. At a primary for partisan offices, voters are permitted to vote for only candidate for each partisan office and are not restricted to voting only for the candidates on one major political party. The choice each voter makes is a not public record. For each partisan office, the two candidates who receive the most votes among candidates for that office at the primary appear on the general election ballot.</p>	<p>The top two candidates (regardless of party affiliation) advance to the general election ballot.</p>	<p>Louisiana. (Justice Scalia referred to and discussed this alternative to the blanket primary system in the majority opinion in <u>California Democratic Party et al. v. Jones et al.</u> Louisiana uses this approach for U. S. Senate and U. S. Representative.)</p>

<p>(8) Nonpartisan Offices and Primary</p>	<p>All offices are nonpartisan. Candidates do not declare political party affiliation at the time they file for office and no indication of party affiliation appears on the ballot. Voters are permitted to vote for only one candidate for each office. The choice each voter makes is a not public record. For each office, the two candidates who receive the most votes among candidates for that office at the primary appear on the general election ballot.</p>	<p>The political party affiliation, if any, of the candidates does not appear on the ballot. For each office, the two candidates who receive the most votes for that office advance to the general election ballot.</p>	<p>Eliminating partisan offices would make elections for those positions in Washington similar to municipal and district elections in this state.</p>
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